

**California Rehabilitation Oversight Board Minutes
February 3, 2010 Meeting**

The California Rehabilitation Oversight Board (C-ROB) met in open session on February 3, 2010, at California State University, 3020 State University Drive South, Modoc Hall, Sacramento, California.

Board members: Present at the meeting was David Shaw, Inspector General (Chairman); Dennis Fisher, Administrator, Adult Education Programs (Designee for Jack O'Connell, State Superintendent of Public Instruction); Ron Selge, Dean, Career Technical Education, California Community Colleges (Designee for Jack Scott, Chancellor, California Community Colleges); Renée Zito, Director, State Department of Alcohol and Drug Programs; Stephen Mayberg, Director, Department of Mental Health; Susan Turner, Professor, University of California, Irvine (President of the University of California appointee); Loren Buddress, Retired Chief Probation Officer (Senate Committee on Rules appointee); and, William Arroyo, Regional Medical Director, Los Angeles County Department of Mental Health (Speaker of the Assembly appointee). Absent from the meeting were Matt Cate, Secretary, Department of Corrections and Rehabilitation (CDCR); Bruce Bikle, Professor, California State University, Sacramento (Chancellor of California State University appointee); and Gary Stanton, Sheriff, Solano County (Governor appointee).

Office of the Inspector General staff: Barbara Sheldon, Chief Counsel; Laura Hill, C-ROB Executive Director; Ann Bordenkircher, C-ROB Secretary; and Jamie Sammut, C-ROB analyst.

Panel Presenters: Department of Corrections and Rehabilitation staff : Elizabeth Siggins, Chief Deputy Secretary, Adult Programs; Jill Brown, Retired Warden; Gary Sutherland, Superintendent, Office of Correctional Education; Steven Chapman, Assistant Secretary, Office of Research; Sherri Gauger, Deputy Director, Office of Substance Abuse Treatment Services; Cynthia Florez-DeLyon, Director (A), Division of Adult Rehabilitative Programs; and Michele Minor, Chief (A), Rehabilitative Program Planning and Accountability.

Public Comments: Susan Lawrence, M.D., Executive Director, The Catalyst Foundation; Patrick Wilson; Pearl Mitchell; Brenda Toschi; Deborah Tidwell; Steve Culver; Leona Jones; Christopher Brady; Jennifer Hansen; Maureen Anderson.

Item 1. Call to Order.

Chairman Shaw called the meeting to order at 1:37 p.m.

Item 2. Introductions and Establish Quorum.

The Chairman introduced OIG staff, and the board members introduced themselves to the public.

Item 3. Review Agenda.

Chairman Shaw reviewed the agenda and advised the public that they would have an opportunity to provide comments at various times during the meeting.

Item 4. Review and Approve Minutes from December 16, 2009 Board Meeting.

On motion made and seconded, the December 16, 2009 minutes were unanimously approved.

Item 5. California Department of Corrections and Rehabilitation Budget Update

Elizabeth Siggins, Chief Deputy Secretary, Adult Programs, addressed California Department of Corrections and Rehabilitation (CDCR or the department) budget issues. As stated at the previous meeting, Ms. Siggins reiterated that the department received as part of the fiscal year 09/10 budget, a \$1.2 billion reduction which included a reduction of \$250 million to adult programs. The reduction came with specific guidelines from Provision 11 of the Budget Act. Ms. Siggins stated that CDCR's role was to prioritize the programs the department was able to preserve based on evidence that the programs were effective, using California, national, or international evidence. Ms. Siggins said the guidelines, among other things, also directed CDCR to focus on (1) savings through more efficient operations; (2) prioritize placement of offenders into programs based on risk, need and time left to serve, (3) eliminate vacancies, (4) maximize the number of offenders who have access to programs; and, (5) maximize the use of federal funds. Ms. Siggins presented a PowerPoint® presentation.¹ Ms. Siggins explained that the models are still being refined. She said that while implementation plans vary by prison, it is anticipated that all plans will be phased in over the next 3 months, with full implementation scheduled by May 2010.

Ms. Siggins also talked about the Office of Substance Abuse Treatment Services (OSATS) In-Prison Programs. New contracts have been awarded with an effective start date of January 4, 2010, with treatment to begin mid-January to late-February. Ms. Siggins stated the new contracts include a 90-day Cognitive Behavioral Therapy (CBT) developed in cooperation with the University of California, San Diego, Department of Psychiatry Center for Criminality & Addiction Research and representatives from a consortium of current treatment providers.

Ms. Siggins also mentioned the Office of Community Partnerships, stating that allocations for sponsor funding is being increased, that initial allotments were distributed in January, with further allotments expected in February and April 2010.

Ms. Siggins explained that CDCR will gauge outcomes using four metrics (1) assignment/enrollment; (2) utilization/attendance; (3) completion; and, (4) recidivism.

Ms. Siggins answered questions from board members concerning the number of students in the classroom (including bridging programs), hours in the classroom, after-care and reading assessments. The board expressed concern about receiving timely data for the September report as there is often a six-month lag time. Ms. Siggins responded that it is possible to have some early data for the board's September 2010 biannual report that may cover one or two months of the new models.

Sherri Gauger, Deputy Director, Office of Substance Abuse Treatment Services, responded to board questions with respect to DPT, stating that programs for the women are basically identical to the model at Leo Chesney. She said that while the Leo Chesney program will continue as a six-month program, the other institutions will receive a 90-day model utilizing the Leo Chesney material. Women will also receive trauma informed substance abuse treatment (Ti-SAT) programs such as Seeking Safety (a CBT curriculum manual).

¹ Handout: "CDCR Update on FY 2009/10 Budget."

Jill Brown, Retired Warden, San Quentin, addressed the board on how SBX3 18 affects CDCR. SBX3 18 created changes to parole, jail credits, prison sentence credits, crime thresholds, and re-entry courts. Ms. Brown stated non-revocable parole,² an alternative to what is currently in place, became effective January 25. Non-revocable parole status allows inmates released from custody, who meet a specific criteria, to be placed on non-supervised parole status. These inmates are not required to meet with a parole officer and are not subjected to urinalysis testing. Ms. Brown said that these inmates are still subject to search by any law enforcement agency during the period of time they are on parole. Ms. Brown indicated there are potentially 26,000 men and women currently on traditional parole who may be eligible to transition to non-parole status, with an estimated 6,000 in-custody individuals who may be eligible over the course of the next year. Ms. Brown stated that Robert Ambroselli, Director of DAPO, is making presentations to various sheriff agencies to educate officers on how to determine whether or not someone is on non-revocable parole status.

Ms. Brown also addressed changes to jail credits stating that under SBX318, inmates have a longer period of time during which they can earn day-for-day credit. She said inmates can also earn up to an additional six weeks off of their sentence each year if they complete an approved rehabilitation program (academic, vocational, substance abuse, or anger management).

Ms. Brown fielded questions from board members concerning release of inmates with inmates credits, drug court models, and mental health problems.

Gary Sutherland, Superintendent (A), Office of Correctional Education, spoke concerning the new academic models,³ stating that the department used the Adult Education Handbook of California to develop the new models. The models were reviewed by the California State Department of Education. Mr. Sutherland said the models address student modalities and homogeneously group students to meet individual needs. These new models were built to develop student skills, cognitive development, and behavioral change. Mr. Sutherland explained that while teachers will be present, the department will utilize peer tutors and teaching assistants, which has proved very successful in federal grant programs.

Mr. Sutherland answered questions from the board relating to student learning disabilities and language barriers by saying that the department has cluster sites that address these issues and that every attempt is made to send those inmates to specific institutions that address recognized disabilities.

Public Comment on Item 5:

Patrick Wilson stated his concerns that CDCR's budget goes over the limit every year and that the department spends whatever it has. He said that the current budget reductions to inmate programming and teachers enforces his belief that the department does not want to spend money on rehabilitation, does not want to implement the Honor Program, or do anything else that treats an inmate like a human being. Mr. Wilson reiterated his thoughts that the department has lost contact with reality and does not understand the true meaning of law and justice.

² Handout: "Executive Summary; Non-Revocable Parole" and CDCR press release "CDCR Implements Public Safety Reforms to Parole Supervision, Expanded Incentive Credits for Inmates" (January 21, 2010).

³ Handout: "Research for the New Academic Models."

Susan Lawrence, M.D., Executive Director, The Catalyst Foundation, stated that while she recognizes that the CDCR is attempting a valiant effort to do as much as possible in this time of fiscal crisis, little will be accomplished because prisoners are locked in their cells weeks on end in lockdowns, hindering rehabilitation. She stated that while an operational procedure was signed on October 22, 2009 to implement the Progressive Programming Facility (PPF, formerly the Honor Program), it has not been implemented. Dr. Lawrence urged CDCR and the board to do whatever possible to immediately implement this program.

Brenda Toschi, academia teacher, Southern California women's facility, teaches students below 4.0 reading level. Ms. Toschi states she has 27 students, and without an inmate teacher's aid, she has not only seen GED graduations, but also high school and AAs. She said despite all of the increases in class size and other obstacles, teachers have made it work and want to continue doing so.

Deborah Tidwell, retired Correctional Officer, worked at Lancaster when the PPF was first implemented. She believes that it is very important to keep education and vocational programs so inmates have something to do. Ms. Tidwell stated that removal of programs causes inmates to sit in their cells and create havoc on the yard for inmates and staff. When the PPF was in place, there were less problems on the yard and less workers' compensation. Ms. Tidwell stated that she has seen the PPF successes.

Steve Culver, teacher from Valley State Prison for Women, states he is pleased to hear the Assignment office is going to cooperate with the Education office as he has seen too many students assigned to his class for one day for no reason, and out the next.

Leona Jones, teacher at CCWF is concerned about the department's plan that if an inmate has a higher reading score, they will be in class less. Ms. Jones says that her experience has been that such students still need the teacher for other skills, such as math. Ms. Jones states that one cannot equate reading and math. She stated further that an inmate may have high reading scores, but not be able to do a word problem, so they still need a teacher to show them how to do that.

Pearl Mitchell, academic bridging teacher at San Quentin said that inmates attending class for only 15 hours a week will be out of synch with the federal government, which requires 32.5 hours in order to get federal funding. Ms. Mitchell believes the new model has set up some artificial barriers to exclude a significant segment of the institutional population.

Item 6. Progress Report From the California Department of Corrections and Rehabilitation on Rehabilitation-Related Efforts.

Michele Minor, Chief (A), Rehabilitative Program Planning and Accountability addressed updates on the California Logic Model, stating the department continues to use the California Static Risk Assessment (CSRA) to assess inmates risk to re-offend. More than 143,000 inmates (85%) have a CSRA score as of September 30, 2009. In addition, Ms. Minor stated that over 122,000 (98%) of parolees have a CSRA score. Ms. Minor and Dr. Chapman's staff provided institutions with a link to the CSRA which allows the inmate assignment office and others to make programming decisions based on a priority placement list. Dr. Chapman added that his staff is working with the University of California,

Irvine, a research partner, to develop a system that would pick up parole violations so they can be added to the CSRA score in order to help predict re-offending behavior.

Ms. Minor stated that the department continues to use COMPAS⁴ for assessing criminogenic need. She stated that due to backlog in the county jails, the assessments were suspended at the reception centers, with the exception of the female prisons. It is anticipated that COMPAS assessments will resume in March 2010. Ms. Minor said the department looked at case management and will have teachers, principals, assignment office staff, and correctional counsels working together to determine the correct placement of inmates.

Cynthia Florez-DeLyon, Director (A), Division of Adult Rehabilitative Programs, presented an update on program delivery. She said the academic models are being refined and expects implementation in May 2010. Ms. Florez-DeLyon stated that vocational programs have been pared down to programs that meet certain criteria and should also begin in May. As to substance abuse programs, Ms. Florez-DeLyon indicated new contracts were effective early January. She said the department is in the process of implementing the lifer mentor certification program, with on-going recruiting for additional mentors at Valley State Prison for Women and Solano. She thought training would begin within the next 60 days. The CDCR is in the final development stages of the Invitation for Bid (IFB) for anger management and criminal thinking classes and believe an invitation for bid would be released Summer 2010 for Solano. The department is working on expanding re-entry and re-integration programs to three additional sites by July. Additionally, Ms. Florez-DeLyon stated that the CDCR received \$8.3 million in federal WIA⁵ funds for local community based one-stop career centers, which will provide unemployment services to parolees.

Ms. Florez-DeLyon stated that there are eleven counties that have entered into Agreements to Cooperation with CDCR for secure community re-entry facilities. These facilities, when approved for funding by the State Public Works Force, will result in secure facilities throughout the state. Two of these facilities will be classified as regional facilities.

Ms. Florez-DeLyon concluded her presentation by addressing the measurement of inmate progress. She said that once the case management plan is in place, the department will be able to review the progress by reassessing inmates at their annual review. She said the department's Fidelity Unit has established assessment tools to monitor and track implementation of the new models. Key performance indicators have been established. The department will also monitor enrollment and assignment, utilization and attendance, completion and recidivism.

Ms. Minor and Ms. Florez-DeLyon addressed board questions relating to the tracking process, development of the Strategic Offender Management System (SOMS), the Total Educations Management System (TEMS), and the Kassis system.

⁴ Correctional Offender Management Profiling for Alternative Sanctions Assessments

⁵ Workforce Investment Act

Public Comment on Item 6:

Patrick Wilson stated his concerns that CDCR is attempting to push its vision onto the inmates of what they need instead of listening to what the staff and inmates have to say. Mr. Wilson said that measuring of progress will not work because the inmate will work the system as long as it makes their immediate life better. Mr. Wilson said CDCR will not admit that the concept of justice is proportional punishment which, he says in reality, is revenge.

Susan Lawrence, M.D., Executive Director, The Catalyst Foundation, stated that she is always struck with the disconnect between what is said by CDCR headquarters and what is really going on at the institution. Dr. Lawrence said there needs to be a fundamental change in the culture of the CDCR from one of punishment and retribution, to one that supports rehabilitation, redemption, and restoration, which is a benefit to everyone.

Pearl Mitchell, academic bridging teacher at San Quentin, said there has been no acknowledgment from the department that there will be a conflict between shorter school hours and the resulting loss of federal funding. Ms. Mitchell stated that teachers submit reports, sometimes weekly, but those reports never reach the staff that need the information. In closing, Ms. Mitchell stated her opinion that it is not good to empower one inmate over another.

Item 7. Teacher Input on CDCR's New Education Models.

Cindie Fonseca, vocational printing graphics art instructor and 15-year CDCR employee thanked the board for allowing teachers the opportunity to present before the board. Ms. Fonseca introduced two peers who talked about the new models: **Cindy Greer**, 15-year CDCR teacher, high school education program for adult diplomas and **Paul Adams**, 14-year CDCR teacher, jointly presented a PowerPoint presentation.⁶

Ms. Greer stated that there has been a reduction of 70 percent to the academic programs and 50 percent reduction to vocational programs at Valley State Prison for Women where she teaches. While many teachers agree that the risk assessment is a good thing, it does not take into account the fact that women, who do not score as high risk are the ones who will be the one going out to provide for their children upon release. In one new model, a teacher will have 39 students for a 3-hour morning session morning and 39 different students for a 3-hour afternoon session. Ms. Greer said each of the 39 students in a classroom are at different levels with their high school studies, so a teacher must assess an individual education prescription for each of those students. Some may read at 5th grade level, while others read at GED level 12.9. Those 39 students will be divided into three separate rooms, with two teacher's assistants monitoring all of them. Ms. Greer anticipates using a computer program that provides a variety of subjects, for approximately 40 minutes each day per student. Some students may only be in this class setting once a week. Ms. Greer spent some time going through various new models, which are included in the handout.

Mr. Adams talked about differences and similarities between public school education and the correctional education programs. Both teach approximately 180 students per week, prepare report cards, daily attendance, class and statement mandated assessments, and are responsible for student files or cumulative folders. Some major differences are that in a correctional setting all movement of inmates is

⁶ Handout: "Comparing Education Models in Public and Adult Correctional Settings."

controlled. The inmates are processed through the work change where there is often a logjam that causes students to be late to school. The teachers complete forms each day relating to daily inmate movement. Mr. Adams gave an example of teaching fractions in a correctional setting where an inmate goes out at the end of the week to court, and then does not return. That inmate is replaced with a new student, who is now a week behind in learning the fractions. Mr. Adams stated that teachers are not told if a student has learning disabilities or other difficulties so they must make the best accommodation they can with tutoring or extra help for the student when the disability is discovered. Mr. Adams said inmates with language barriers were previously placed in English Language Development (ELD) classes, but the ELD is not included in the new models. Those inmates are now in class with everyone else. Mr. Adams relayed that teachers are concerned when they assign homework that inmates living in dorms have too many distractions to complete the assignment. He closed by saying that in public school, if a student is absent, the office takes care of whether the absence is excused or not. In the correctional setting, it is up to the teacher to determine and chart whether the inmate is present (X), excused (S), excused (E such as medical) or unexcused (A).

Ms. Greer spent time on the various forms that teachers are responsible to complete daily. Everything that happens to an inmate, whether medical or disciplinary, generates an action paper for the teacher to complete.

Mr. Adams referred to a tri-fold board that contained many of the forms, including daily movement sheets, priority dockets, class records, tool inventories, building hazards checklists, computer inventory discs, student job descriptions, folders on individual incoming students, and inmate exit documentation. Mr. Adams mentioned there are many distractions that occur during a classroom setting and explained that every time there is inmate movement, the class must stop and maneuver around the distraction.

Ms. Greer closed giving recommendations on how to keep quality in the classroom: move to a 184-day school year with tracks (currently 220 days); save experienced correctional teachers by not hiring 335 teacher's assistants; and implement a 1:54 model with more face-to-face and instructional time.

Ms. Fonseca closed the teacher's presentation by addressing the 158 eliminated vocational programs. She said that many prison staff believe cutting vocational programs is a mistake, saying that those making these decisions have never worked "behind the wire" but think they know better. Ms. Fonseca said inmates need to work with their hands, to produce something, to feel they are contributing to the community.

The department responded briefly to the teachers' presentation.

Elizabeth Siggins, Chief Deputy Secretary, Adult Programs, CDCR, explained that layoffs are based on the state civil service processes that require layoffs by seniority, not based on how good a teacher was, and not based on their performance. She said teacher assistants were built into the model to help with all the paperwork. Ms. Siggins said the department also desires to have a strong sustainable quality of education and worked to find a balance. She said the department would track the classroom outcomes.

Gary Sutherland, Superintendent (A), Office of Correctional Education responded to the teachers saying he appreciated their presentation. He said that he has approximately 15 years experience "behind the fence." Mr. Sutherland stated that federal funding should continue under these models.

Public Comment on Item 7:

Patrick Wilson stated that the department's roadmap was created from CDCR's management point of view and urged the board to take into consideration the other side by discussing issues with prison staff and inmates. Mr. Wilson said C-ROB has not enlightened the Legislature on the need to consider other points of view and encouraged the board to do so in its next report.

Christopher Brady expressed concern over the department's cut in academic and vocational programs. He said the department cannot get more students through with less teachers. He does not believe sending laptops to a prison for educational purposes provides education. Mr. Brady states research shows there will be an increase in recidivism.

Pearl Mitchell is concerned that the department's new models will rush inmates through and not provide the skill level required to go into the industries on the streets. She said inmates might as well sit in their cells and earn good time.

Item 8. Future Board Meeting Schedule.

Chairman Shaw stated that the next C-ROB report to the Governor and Legislature is scheduled for March 15 and reminded the board that the purpose of the March 3 meeting is to review and approve that report. There was a brief discussion of scheduling an informational meeting on June 2.

Item 9. Future Agenda items.

There being no immediate suggestions, Chairman Shaw stated staff would work with board members to identify future agenda items.

Item 10. Public Comment.

Jennifer Hansen, attorney, said she works with lifer inmates on parole hearings. Ms. Hansen states that often inmates are found not suitable because of issues related to educational programming. While many of these lifers committed terrible crimes in their early life, now some 25-30 years later, they are evaluated on current level of insight, mental state, institutional behavior, and self-help programming. Ms. Hansen believes the Progressive Programming Facility (PPF) helps these lifers. Through the PPF, she has seen inmates become involved in leadership roles and grow as a person. Ms. Hansen expressed concern that when programs are cut, the parole board will still expect the inmate to have a vocation. Ms. Hansen wants to see the PPF fully implemented so inmates can benefit from it.

Patrick Wilson stated the CDCR pursues the doctrine of revenge and then the Legislature enacts excessive punishments, believing people's character will improve by inflicting physical and psychological abuse. Mr. Wilson invites the board to refute the correct definitions of law, justice and crime as explained in his unfiled, draft class action complaint.

Susan Lawrence referenced the minutes of the Men's Advisory Council Meeting of January 12, 2010 which discusses the department's restrictions that led to a loss of programming time and a logistical isolation of the inmates. Dr. Lawrence said that the acting Warden said that it may not be feasible under the new budgetary and staffing constraints to operate the PPF. Dr. Lawrence encouraged Secretary Cate

to ensure that the local prison administration follows the operational procedures that was signed in October.

Deborah Tidwell confirmed all the work the teachers said they had to do and added that when students do not show up in a classroom, the correctional officers have to go find the inmate and get them to school. She stated that some inmates just do not want the education, so the teacher has to write them up. Ms. Tidwell believes most inmates want to learn, be trained, and be proud of what they do when family comes to visit or attend graduation. She expressed how good the inmate feels when he can approach an officer with a smile and say, "look what I earned." She believes many inmates learn what they did on the outside was a crime and are trying to better themselves. Ms. Tidwell said inmates want a place where they can talk together on the yard without fear and believes the inmates can have that through the PPF.

Maureen Anderson, teacher, Valley State Prison for Women, said she is frustrated by the department's program changes and cuts under the guise of saving money. Ms. Anderson encouraged the board to talk to the Legislators about what is going on.

Pearl Mitchell is concerned that the cuts at San Quentin change the diversity of teachers. As example, she stated that the San Quentin inmate population is made up of 44% African American, 32% Latino, 18% white, 20% other, but with the current cuts, there is not one teacher of color. Ms. Mitchell believes having teachers of color on staff help keep down trouble between and among groups.

Item 11. Adjournment.

There being no further business, Chairman Shaw thanked board members, staff, and the public for their participation and adjourned the meeting at 5:15 p.m.

C-ROB Secretary

Dated

(These Minutes are posted on the web at www.oig.ca.gov.)